

FILED BY KA D.C.

May 24, 2022

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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT
OF FLORIDA

Case No. **22-20137-CR-MARTINEZ/BECERRA(s)**

18 U.S.C. § 545

18 U.S.C. § 554

18 U.S.C. § 1503(a)

18 U.S.C. § 2

18 U.S.C. § 982(a)(2)(B)

18 U.S.C. § 981(a)(1)(C)

UNITED STATES OF AMERICA

vs.

EDUARDO ULISES MARTINEZ,

Defendant.

SUPERSEDING INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times relevant herein:

1. Title 18, United States Code, Section 545 makes it a crime to knowingly import or bring into the United States any merchandise contrary to law, or to receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported or brought into the United States contrary to law.

2. Title 18, United States Code, Section 554(a) makes it a crime to knowingly export or send from the United States, or attempt to export or send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, or to receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such

merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States.

3. Federal regulations require that a United States Fish and Wildlife Service Officer clear all wildlife to be imported into or exported from the United States prior to release from detention by customs officers. 50 C.F.R. § 14.52(a).

4. In order to import or export any fish or wildlife into the United States, federal regulations require that a completed Declaration for Importation or Exportation of Fish or Wildlife (Form 3-177), signed by the importer or exporter, or the importer or exporter's agent, be filed with the United States Fish and Wildlife Service upon the importation or exportation of any wildlife at the place where clearance is requested. 50 C.F.R. §§ 14.61, 14.63.

5. Wildlife is defined as "any wild animal, whether alive or dead, including without limitation any wild mammal . . . , whether or not bred, hatched, or born in captivity, and including any part, product, egg, or offspring thereof." 50 C.F.R. § 10.12.

6. **EDUARDO ULISES MARTINEZ** was a resident of Miami-Dade County, Florida.

COUNTS 1-6
Smuggling Goods into the United States
18 U.S.C. § 545

1. The General Allegations section of this Superseding Indictment is realleged and incorporated by reference as though fully set forth herein.

2. On or about the dates specified below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

EDUARDO ULISES MARTINEZ,

did fraudulently and knowingly import and bring into the United States merchandise and receive, conceal, buy, and sell and in any manner facilitate the transportation, concealment, and sale of merchandise after importation, knowing the same to have been imported and brought into the United States contrary to law, in that said merchandise was not first made available for inspection and properly declared to the United States Fish and Wildlife Service and the United States Customs and Border Protection as required by Title 50, Code of Federal Regulations, Sections 14.52 and 14.61, as set forth below:

COUNT	DATE	DESCRIPTION
1	March 12, 2016	One sculpture containing ivory imported from Spain to the United States
2	June 28, 2017	Five sculptures containing ivory imported from England to the United States
3	August 20, 2020	Two sculptures containing ivory imported from England to the United States
4	August 27, 2021	Four sculptures containing ivory imported from Canada to the United States
5	September 7, 2021	Two sculptures containing ivory imported from Belgium to the United States
6	September 8, 2021	Three ivory pieces imported from Belgium to the United States

It is further alleged that the merchandise consists of sculptures containing ivory possessed by Art Master Collection Corp.

In violation of Title 18, United States Code, Sections 545 and 2.

COUNT 7
Smuggling Goods into the United States
18 U.S.C. § 545

1. The General Allegations section of this Superseding Indictment is realleged and incorporated by reference as though fully set forth herein.

2. On or about October 1, 2021, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

EDUARDO ULISES MARTINEZ,

did fraudulently and knowingly receive, conceal, buy, and sell and in any manner facilitate the transportation, concealment, and sale of merchandise after importation, knowing the same to have been imported and brought into the United States contrary to law, in that said merchandise was not first made available for inspection and properly declared to the United States Fish and Wildlife Service and the United States Customs and Border Protection as required by Title 50, Code of Federal Regulations, Sections 14.52 and 14.61, in violation of Title 18, United States Code, Sections 545 and 2.

It is further alleged that the merchandise consists of two sculptures containing ivory imported from England and Australia to the United States possessed at Art Master Collection Corp. at 7003 N. Waterway Drive, Suite 207, Miami, FL 33155.

COUNT 8
Smuggling Goods into the United States
18 U.S.C. § 545

1. The General Allegations section of this Superseding Indictment is realleged and incorporated by reference as though fully set forth herein.

2. On or about October 1, 2021, in Miami-Dade County, in the Southern District of

Florida, and elsewhere, the defendant,

EDUARDO ULISES MARTINEZ,

did fraudulently and knowingly receive, conceal, buy, and sell and in any manner facilitate the transportation, concealment, and sale of merchandise after importation, knowing the same to have been imported and brought into the United States contrary to law, in that said merchandise was not first made available for inspection and properly declared to the United States Fish and Wildlife Service and the United States Customs and Border Protection as required by Title 50, Code of Federal Regulations, Sections 14.52 and 14.61, in violation of Title 18, United States Code, Sections 545 and 2.

It is further alleged that the merchandise consists of one sculpture containing ivory imported from England to the United States possessed at Art Master Collection Corp. at 4932 S.W. 87th Place, Miami, FL 33165.

COUNTS 9-12

Smuggling Goods Outside the United States

18 U.S.C. § 554

1. The General Allegations section of this Superseding Indictment is realleged and incorporated by reference as though fully set forth herein.

2. On or about the dates specified below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

EDUARDO ULISES MARTINEZ,

did fraudulently and knowingly receive, conceal, buy, and sell and in any manner facilitate the transportation, concealment, and sale of merchandise prior to exportation, knowing the same to be intended for exportation contrary to law or regulation of the United States, in that said merchandise

was not first made available for inspection and properly declared to the United States Fish and Wildlife Service and the United States Customs and Border Protection as required by Title 50, Code of Federal Regulations, Sections 14.52 and 14.63 as set forth below:

COUNT	DATE	DESCRIPTION
9	May 28, 2019	Two sculptures containing ivory intended to be exported from the United States to Russia
10	September 13, 2019	One sculpture containing ivory intended to be exported from the United States to Germany
11	July 22, 2021	One sculpture containing ivory intended to be exported from the United States to Russia
12	August 22, 2021	One sculpture containing ivory intended to be exported from the United States to Australia

It is further alleged that the merchandise consists of sculptures containing ivory possessed by Art Master Collection Corp.

In violation of Title 18, United States Code, Sections 554 and 2.

COUNT 13
Obstruction of Justice
18 U.S.C. § 1503(a)

1. The General Allegations section of this Superseding Indictment is realleged and incorporated by reference as though fully set forth herein.

2. Beginning in or around November 2021, and continuing through in or around February 2022, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

EDUARDO ULISES MARTINEZ,

did corruptly influence, obstruct, and impede, and endeavor to influence, obstruct, and impede, the due and proper administration of justice, specifically by soliciting Witness 1 to provide false documentation, testimony, and evidence related to the sale of sculptures containing ivory for the purpose of obstructing an investigation into illegal smuggling of ivory, in violation of Title 18, United States Code, Sections 1503 and 2.

COUNT 14
Obstruction of Justice
18 U.S.C. § 1503(a)

1. The General Allegations section of this Superseding Indictment is realleged and incorporated by reference as though fully set forth herein.

2. Beginning in or around December 2021, and continuing through in or around January 2022, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

EDUARDO ULISES MARTINEZ,

did corruptly influence, obstruct, and impede, and endeavor to influence, obstruct, and impede, the due and proper administration of justice, specifically by soliciting Witness 2 to provide false documentation, testimony, and evidence related to the sale of sculptures containing ivory for the purpose of obstructing an investigation into illegal smuggling of ivory, in violation of Title 18, United States Code, Sections 1503 and 2.

FORFEITURE ALLEGATIONS

1. The allegations of this Superseding Indictment are hereby re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendant, **EDUARDO ULISES MARTINEZ**, has an interest.

2. Upon conviction of a violation of, Title 18, United States Code, Section 545, as alleged in this Superseding Indictment, the defendant shall forfeit to the United States: (a) any property constituting, or derived from, proceeds obtained, directly or indirectly, as the result of such offense, pursuant to Title 18, United States Code, Section 982(a)(2)(B); and (b) any merchandise introduced into the United States as a result of such offense, or the value thereof, pursuant to Title 18, United States Code, Section 545.

3. Upon conviction of a violation of Title 18, United States Code, Section 1503 or Title 18, United States Code, Section 554, as alleged in this Superseding Indictment, the defendant shall forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds traceable to such offense, pursuant to Title 18, United States Code, Section 981(a)(1)(C).

4. The property subject to forfeiture as a result of the alleged offenses includes, but is not limited to, the following:

- a. Four sculptures containing ivory imported from Canada to the United States on or about August 27, 2021
- b. Two sculptures containing ivory imported from Belgium to the United States on or about September 7, 2021;
- c. Three ivory pieces imported from Belgium to the United States on or about

September 8, 2021;

- d. Multiple sculptures containing ivory imported from various countries to the United States on or about October 1, 2021;

5. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

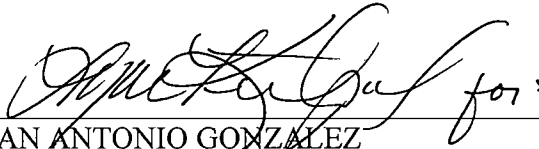
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States shall be entitled to the forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p). Such substitute property includes, but is not limited to, the following:

- a. One sculpture containing ivory intended to be exported from the United States to Australia on or about August 22, 2021;
- b. Real property located at 4121 S.W. 104th Place, Miami, Florida 33165;
and
- c. Real property located at 4932 S.W. 87th Place, Miami, Florida 33165.

All pursuant to Title 18, United States Code, Sections 982(a)(2)(B), 545 and/or 981(a)(1)(C), and the procedures set forth at Title 21, United States Code, Section 853, as incorporated by Title 18, United States Code, Sections 982(b)(1) and Title 28, United States Code, Section 2461(c).

A TRUE BILL



JUAN ANTONIO GONZALEZ
UNITED STATES ATTORNEY

FOREPERSON



MARTY FULGUEIRA ELFENBEIN
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO.: 22-20137-CR-MARTINEZ(s)

v.

EDUARDO ULISES MARTINEZ,

CERTIFICATE OF TRIAL ATTORNEY*

Superseding Case Information:

Court Division (select one)

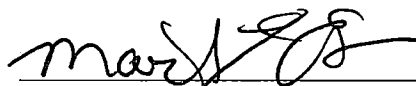
- ☒ Miami ☐ Key West ☐ FTP
☐ FTL ☐ WPB

New Defendant(s) (Yes or No) No
Number of New Defendants
Total number of New Counts 10

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. §3161.
3. Interpreter: (Yes or No) Yes
List language and/or dialect: Spanish
4. This case will take 5 days for the parties to try.
5. Please check appropriate category and type of offense listed below:
(Check only one) (Check only one)
I ☒ 0 to 5 days ☐ Petty
II ☐ 6 to 10 days ☐ Minor
III ☐ 11 to 20 days ☐ Misdemeanor
IV ☐ 21 to 60 days ☒ Felony
V ☐ 61 days and over
6. Has this case been previously filed in this District Court? (Yes or No) Yes
If yes, Judge Martinez Case No. 22-20137-MARTINEZ
7. Has a complaint been filed in this matter? (Yes or No) No
If yes, Magistrate Case No.
8. Does this case relate to a previously filed matter in this District Court? (Yes or No) Yes
If yes, Judge Martinez Case No. 22-20137-MARTINEZ
9. Defendant(s) in federal custody as of
10. Defendant(s) in state custody as of
11. Rule 20 from the District of
12. Is this a potential death penalty case? (Yes or No) No
13. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard? (Yes or No) No
14. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss? (Yes or No) No

By:



MARTY FULGUEIRA ELFENBEIN
Assistant United States Attorney
FLA Bar No. 0020891

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: EDUARDO ULISES MARTINEZ

Case No: 22-20137-CR-MARTINEZ(s)

Counts: 1-8

Smuggling of Goods into United States

Title 18, United States Code, Section 545

***Max. Penalty:** 20 Years' Imprisonment

Counts: 9-12

Smuggling of Goods Outside of United States

Title 18, United States Code, Section 554

***Max. Penalty:** 10 Years' Imprisonment

Counts: 13-14

Obstruction of Justice

Title 18, United States Code, Section 1503

***Max. Penalty:** 10 Years' Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**